



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

June 5, 1996

Ms. Christine T. Rodriguez
Staff Attorney
Legal and Compliance, MC 110-1A
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714-9104

OR96-0895

Dear Ms. Rodriguez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 39878.

The Texas Department of Insurance (the "department") received a request for copies of the following:

1. All "Annual Audits," prepared or filed since 1991, as required by Article 9.39 of the Texas Title Insurance Act, Tex. Ins. Code Ann. Art. 9.39 (Vernon Supp. 1991) for all title insurance agents, agencies, direct operations, and underwriters (including predecessors, successors, divisions, or subsidiaries), listed on the attached table; and
2. for the same time period, the findings and results of each title insurance company's examination and analysis of the annual audit(s) of their respective agent/direct operation, as reflected on the attached table.

You submitted a representative sample of the requested information to this office for review.¹ You contend that the requested audit reports and analyses are excepted from

¹In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision No. 499 (1988), 497 (1988) (where requested documents are numerous and repetitive, governmental body should submit representative sample; but if each record contains substantially different information, all

disclosure under sections 552.101 and 552.112 of the Government Code. You also note that the requested information may implicate the proprietary interests of the third parties that submitted the information to the department and may therefore be excepted from disclosure pursuant to section 552.110 of the Government Code.

Pursuant to section 552.305, we notified the third parties of the request for information and of their opportunity to claim that the information at issue is excepted from disclosure. We received responses from the following:

1. Mr. Sam R. Perry of Sneed, Vine, Wilkerson, Selman & Perry, representing Alamo Title Insurance of Texas;
2. Mr. Russell D. Weaver of Morris, Lendais, Hollrah & Snowden, representing Stewart Title Guaranty Company and Stewart Title North Texas;
3. Mr. Frank Oliver, Attorney at Law, representing Fidelity National Title Insurance Company, Dallas Fidelity National Title Agency, Inc., American Title Insurance Company, and Nations Title Insurance Company;
4. Mr. Robert L. Russell Bush of Bush, Fulton, Hurlbut & Morrison, P.C., representing First American Title Insurance Company of Texas and First American Title Insurance Company of Santa Ana, California;
5. Mr. A. Burch Waldron, III, of Law, Snakard & Gambill, representing Title Resources Guaranty Company;
6. Mr. Robert C. Walters of Vinson & Elkins, representing Chicago Title Insurance Company;
7. Ms. Mary L. Scott of Baker & Botts, L.L.P., representing Commonwealth Land Title Insurance Company, Commonwealth Land Title Company, and Transnation Title Insurance Company f/k/a Transamerica Title Insurance Company;

(Footnote continuation)

must be submitted). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

8. Mr. Parker D. Young of Figari & Davenport, representing Lawyers Title Insurance Corporation, American Title Company, and Title Insurance Company of America; and

9. Ms. Noel M. Hensley of Haynes and Boone, L.L.P., representing United General Title Insurance Company.

These third parties claim that the requested information is excepted from disclosure under sections 552.101, 552.110, and 552.112 of the Government Code.

Section 552.112(a) excepts from disclosure "information contained in or relating to examination, operating, or condition reports prepared by or for an agency responsible for the regulation or supervision of financial institutions or securities, or both." Insurance companies regulated by the department, such as the third parties here, are considered "financial institutions" for purposes of section 552.112. Open Records Decision Nos. 637 (1996) at 4, 158 (1977) at 5-6. Furthermore, the third parties prepared the the audit reports and analyses at issue for the department and submitted them to the department in accordance with article 9.39 of the Insurance Code. Therefore, we conclude that the audit reports and analyses are excepted from required public disclosure pursuant to section 552.112 of the Government Code.²

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/ch

Ref.: ID# 39878

Enclosures: Submitted documents

²As we find that the requested information is excepted from disclosure under section 552.112, we need not address the other arguments raised by the department or the third parties.

cc: Ms. Shelli Harveson
Dodge & Associates, P.C.
15660 Dallas Parkway
Suite 400, Lock Box 42
Dallas, Texas 75248
(w/o enclosures)

Mr. Sam R. Perry
Sneed, Vine, Wilkerson, Selman & Perry
901 Congress Avenue
Austin, Texas 78701
(w/o enclosures)

Mr. Russell D. Weaver
Morris, Lendais, Hollrah, & Snowden
1980 Post Oak Boulevard, Suite 700
Houston, Texas 77056
(w/o enclosures)

Mr. Frank Oliver
Attorney at Law
610 Capitol Center
919 Congress Avenue
Austin, Texas 78701
(w/o enclosures)

Mr. Robert L. Russell Bush
Bush, Fulton, Hurlbut & Morrison, P.C.
4025 Woodland Park Blvd., Suite 190
Arlington, Texas 76013
(w/o enclosures)

Mr. A. Burch Waldron, III
Law, Snakard & Gambill
3200 Bank One Tower
500 Throckmorton
Fort Worth, Texas 76102-3859
(w/o enclosures)

Mr. Robert C. Walters
Vinson & Elkins
3700 Trammell Crow Center
2001 Ross Avenue
Dallas, Texas 75201-2975
(w/o enclosures)

Ms. Mary L. Scott
Baker & Botts, L.L.P.
2001 Ross Avenue
Dallas, Texas 75201-2980
(w/o enclosures)

Mr. Parker D. Young
Figari & Davenport
4800 NationsBank Plaza
901 Main Street, LB 125
Dallas, Texas 75202-3796
(w/o enclosures)

Ms. Noel M. Hensley
Haynes and Boone, L.L.P.
600 Congress Avenue, Suite 1600
Austin, Texas 78701-3236
(w/o enclosures)

Chicago Title Insurance Company
1834 Abrams Parkway
Dallas, Texas 75230
(w/o enclosures)

Chicago Title Insurance Company
1100 Centennial Blvd., Suite 140
Richardson, Texas 75081
(w/o enclosures)

First American Title Insurance Company of Texas
5525 MacArthur Blvd., Suite 550
Irving, Texas 75038
(w/o enclosures)

First American Title Insurance Company of Texas
2221 E. Lamar Blvd., Suite 170
Arlington, Texas 76006
(w/o enclosures)

Law Office of Robert Sumners
5750 Balcones, Suite 207
Austin, Texas 78731
(w/o enclosures)

American Title Company of Dallas, Inc.
550 Edmonds Lane, Suite 102
Lewisville, Texas 75201
(w/o enclosures)

Safeco Land Title of Dallas
1510 Pacific Avenue
Dallas, Texas 75201
(w/o enclosures)

Safeco Land Title of Dallas
8080 N. Central Expressway
Dallas, Texas 75206
(w/o enclosures)

Fidelity National Title Insurance Company of Texas
2390 East Camelback Road
Phoenix, Arizona 85016
(w/o enclosures)

Investors Title Insurance Company
P.O. Box 2687
Chapel Hill, North Carolina 27514
(w/o enclosures)

Old Republic National Title Insurance Corporation
400 Second Avenue South
Minneapolis, Minnesota 55401
(w/o enclosures)

Security Union Title Insurance Company
171 N. Clark Street, 6th Floor
Chicago, Illinois 60601
(w/o enclosures)

Ticor Title Insurance Company
1717 Walnut Grove Avenue
Rosemead, California 91770
(w/o enclosures)

Mr. Curtis L. Frisbie, Jr.
Gardere & Wynne, L.L.P.
1601 Elm Street, Ste. 3000
Dallas, Texas 75201-4761
(w/o enclosures)